

REMARKS

This amendment is responsive to the office action mailed December 1, 2004.

Claims 1-29 are presently pending and stand rejected.

AMENDMENTS TO ABSTRACT

A minor amendment has been made to the Abstract to delete the word "comprising". It is believed that this removes the ground for rejection of the Abstract and reconsideration is requested.

REJECTION UNDER 35 U.S.C. § 103(A)

Claims 1-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Xie et al (U.S. Patent No. 6,503,620) in view of Minners (U.S. Patent No. 6,236,300). The examiner has cited Xie et al as the primary reference that allegedly teaches the basic claimed invention of using an adhesive compound and a plurality of fillers/particles therein. Minners was cited as a secondary reference. The examiner stated that Minners teaches using SMA material, and that from Minners it would have been obvious to use the SMA material disclosed therein in the adhesive material disclosed in Xie et al. This rejection is respectfully and strenuously traversed.

Initially, the examiner will note that Xie et al is directed to adhesives for making labels. The particles that are discussed as possible filler materials for the labels are discussed in columns 6 and 7. It is noteworthy that SMA particles are not mentioned in this reference. The undersigned suspects that the reason for that is that the properties that the SMA material provides would simply not be needed in an application involving a

simple label. SMA particles have properties that, in the opinion of the undersigned, would just not be required for a label. For example, SMA particles, which are known to have "superelastic" properties, are especially desirable for applications where it is necessary to absorb energy and to improve the compression-after-impact (CAI) strength of an interlayer. SMA particles accomplish this without negatively affecting the hot-wet compression strength of the interlayer. These characteristics are important in the manufacture of various articles, and particularly important when manufacturing components or structures used in the aerospace industry. Such components or structures may be required to withstand significant thermal changes, as well as physical impacts, as in the case with airframe structures of aerospace and aircraft vehicles. The desirable characteristics provided by SMA particles would simply not appear to be required in a pressure sensitive label.

The undersigned further finds it noteworthy that an extensive listing of materials is provided in volume 6, lines 50-67 and column 7, lines 1-19, along with specific considerations for using specific ones of the filler materials (whether they be organic or inorganic). The examiner will note that hot-wet compression strength and compression-after-impact strength are not listed among the various reasons for using various ones of the filler materials listed. Again, this is presumably because the characteristics that would be provided by SMA particles would simply not be needed, or would possibly be too expensive to be practical for an application involving simple pressure sensitive labels.

The Minners reference, as the examiner has noted, is directed to a bistable micro-switch that makes use of a SMA material. There is no discussion or suggestion

in this reference of incorporating SMA particles in an adhesive material. It appears that these two references have simply been combined in hindsight using the applicant's own disclosure as a road map to create the section 103 rejection. As is well established, there must be some desirability or motivation suggested by the references themselves for two or more references to be properly combined to form a section 103 rejection. In this instance, there does not appear to be any suggestion, desirability or motivation that is apparent from either of the Xie et al or Minners references that would encourage one of ordinary skill in the art to combine these references as the examiner has done.

In view of the foregoing, reconsideration and withdrawal of the rejection of claims 1-29 is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: February 9, 2005

By: 
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